IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

WRIT PETITION NO. 1743 OF 2007

Dharmesh Jayantilal Paun & Ors. ... Petitioners.

V/s.

Assessor & Collector & Anr. ... Respondents.

....

Mr. D.F. Sharma i/b. M/s. Dharam & Co. for the Petitioners.
Ms. A.K. Sarla for B.M.C.

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CORAM : SMT. RANJANA DESAI AND
DR. D.Y.CHANDRACHUD,JJ.

24TH SEPTEMBER 2007.

P.C. :

. The petitioners interalia seek setting aside of the attachment levied by respondents 1 and 2 under warrant of attachment dated 11th July 2007.

2. We have heard the learned counsel for the petitioners and the learned counsel for the respondents. Counsel for the petitioners states that the petitioners may be permitted to pay the arrears of property taxes by instalments. He

states that the petitioners have already paid an amount of Rs.1,00,000/-.

3. In the circumstances of the case, since the petitioners are willing to clear all arrears, in our opinion, the petition can be disposed of by permitting the petitioners to pay the arrears by instalments.

4. Hence, the following order :-

(i) The petitioners shall pay the arrears of property taxes for the period beginning from 1st October 2004 to 31st March 2007 within a period of five months. The arrears be paid by monthly instalment of Rs.1,00,000/- each. Last instalment will be for the balance amount.

(ii) Needless to say that the petitioners will have to pay any future property taxes as and when due. The order of attachment shall continue to operate for the period of five months.

(iii) Needless to say that in case the petitioners commit any default, the respondent will be at liberty to take appropriate steps in accordance with law.

4. The petition is disposed of accordingly.

SMT. RANJANA DESAI, J.

DR. D.Y. CHANDRACHUD, J.